

OFFICE OF SPECIAL MASTERS

No. 04-1606V

Filed: October 19, 2006

Not to be published¹

PATRICIA ROSSELLI,

Petitioner,

v.

Attorney's Fees

SECRETARY OF HEALTH AND HUMAN
SERVICES,

Respondent.

DECISION (ATTORNEYS' FEES)

Petitioner seeks an award of attorneys' fees and costs incurred in this case filed under the National Vaccine Injury Compensation Program. While the petitioner's formal application sought a total of \$ 47,873.69, on October 13, 2006, counsel for both petitioner and respondent reported telephonically to my law clerk that both parties agree to the following attorneys' fees and costs:

- \$ 37,274.50 for legal representation incurred by the law firm, Conway, Homer & Chin-Caplan, P.C.;
- \$ 8,498.09 for litigation costs incurred by petitioner's attorney, Ronald C. Homer;
- \$ 1,450.00 for legal representation incurred by petitioner's previous attorney, Peter Toland; and
- \$ 247.60 in costs incurred by the petitioner, herself.

¹Because this document contains an explanation for my action in this case, I intend to post this order on the United States Court of Federal Claims' website, in accordance with the E-Government Act of 2002, Pub. L. No. 107-347, 116 Stat. 2899, 2913 (Dec. 17, 2002). Therefore, as provided by Vaccine Rule 18(b), each party has 14 days within which to request redaction "of any information furnished by that party (1) that is trade secret or commercial or financial information and is privileged or confidential, or (2) that are medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of privacy." Vaccine Rule 18(b). Otherwise, this entire document will be available to the public. *Id.*

The agreed-upon amounts seem reasonable and appropriate. Accordingly, I hereby award the following attorneys' fees and costs pursuant to 42 U.S.C. § 300aa-15(b) and (e)(1):

- A lump sum of \$ 47,222.59, in the form of a check payable jointly to petitioner and petitioner's attorney, Ronald C. Homer, on account of petitioner's attorneys' fees and costs;² and
- a lump sum of \$ 247.60, payable to petitioner, on account of her own litigation costs.

In the absence of a timely-filed motion for review of this Decision (see Appendix B, Rules of the United States Court of Federal Claims), the clerk shall enter judgment in accordance herewith.

George L. Hastings, Jr.
Special Master

²Mr. Homer will be expected to provide Attorney Toland with his fees in the amount set forth above.